



TOWN OF BEAUX ARTS VILLAGE

PLANNING COMMISSION

MINUTES

October 18, 2007
Roberts

Present: Acting Chairperson Gordon Roberts, Commissioners Dennis Casey, Jake Donoghue, Karen Scott, Scott Harpster and Town Planner Mona Green.

Guests: Town Councilmember Carol Clemett

Deputy Town Clerk: Angela Kulp

Acting Chairperson Roberts called the meeting to order at 7:35pm.

Minutes: Commissioner Donoghue motioned to approve the September 20, 2007 minutes as written. Commissioner Casey seconded. Vote: 5 For, 0 Against, 0 Abstain. Motion carried.

New Business:

Public Hearing for the Town Tree Committee:

Councilmember Clemett came to discuss the upcoming public hearing on the language the Council's tree committee is proposing to replace the moratorium on Ordinance 350. She explained how the committee, which was comprised of five villagers appointed by the Council, worked with Planner Green over the better part of the last year coming up with guidelines, a survey of trees, tree species involved, and key elements to consider in writing a new ordinance to govern trees on private property within the village.

Councilmember Clemett shared the committee's hope is that the new ordinance will help neighbors realize the impact their trees have on the community before taking any action. After reading the guidelines and elements considered, she explained the process a neighbor would follow under the new ordinance to remove a tree. That process, she continued, is different for a significant tree than for a landmark tree as she explained both procedures. Ms. Clemett explained a significant tree is considered one foot to less than three feet in diameter at a height of four and a half feet off the ground. She explained a landmark tree is three feet or more in diameter measured at the same height. She stated the committee counted approximately 29 landmark trees on 24 residential lots in the village. Ms. Clemett touched on mitigation and ANSI standards, then she fielded questions from the Commissioners. She stated her committee will present the ordinance, and explain the same details in the public hearing which we scheduled for Tuesday, November 20th, 7:30pm, at Commissioner Scott's home. Deputy Clerk Kulp reminded the group she will post the public notices two weeks prior as required by law.

New Commissioner:

After Councilmember Clemett's departure, the Commissioners officially welcomed new Commissioner Scott Harpster to the Planning Commission. Commissioner Harpster was approved at the October Town Council meeting to serve immediately, and will serve through December 31, 2011, which was the balance of Commissioner Chihak's term.

Driveways in the Setback:

The Commissioners discussed a resident's letter submitted and brought forth at the September meeting. It was the resident's concern that allowing driveways in the setbacks, particularly for underground garages, reduces green space, disrupts neighbors, and affects privacy. Commissioner Casey noted there are only two underground garages in the village; one is on a slope next to the main road, so it doesn't even have a driveway, and the other is under construction. Commissioner Donoghue reminded that the driveway under construction is still in its rawest form, and once landscaped, may not be an issue. Planner Green stated the driveway takes the same amount of space regardless of its location, so therefore it doesn't really reduce green space at all. She added that each lot is so different, that sometimes the driveway can only be logically located in a particular place. After further discussion, the commissioners concluded in agreement that they will wait until the home under construction is complete to see if they think it's a problem for the future.

Heavy Truck Fee:

Commissioner Scott brought up a concern on the current heavy truck fee of 1% on Ordinance 339. She understood its original intent by the Council was to include an appeal process after construction, if the homeowner could prove the fees needed to fix roads were in excess of fees paid. Since she did not see an appeal process noted in the current ordinance, she wondered how that could be rectified. After a brief discussion, Planner Green concluded this was a question for the Council, and Commissioner Scott should take her concern there, and the other Commissioners agreed.

Old Business:**Zoning Code Clarification of Setback Language:**

Planner Green briefed the Commission on her visit to the Council, and stated our definition of a setback in the BAV code needs to be changed in order to accommodate the intrusions that we've recently allowed in Ordinance 349. She explained the new definition is simpler, that she presented it to the Council in their October meeting and their approval was given. Planner Green modified the new definition of a setback to the following:

Setback: a term establishing a minimum distance from a lot line to the outermost projection of any structure.

Planner Green reminded the Commission that this definition provides guidance as to how a setback is to be measured "...from a lot line to the outermost projection of any structure." Further, the definition is consistent with the definition of "setback" in other municipalities. Planner Green assured the Commission that no action needs to be

taken right now as nothing "in the field" is actually changing. She continued that we can include the change to the code definition when we finish the work on the reconstruction/remodel discussion to recommend to the Council as a new ordinance will be needed at that time anyway to replace current Ordinance 349. Commissioner Scott maintained her objection of measuring to the outside wall, or "outermost projection" as she felt most architects, contractors and homeowners would measure to the foundation wall. Planner Green assured her any plans undergoing a plan review now or in the future would be reminded of this and assured her it would be checked appropriately during the building process.

Reconstruction/Remodel Definition:

Planner Green reminded the Commission that our main focus should be on establishing a specific objective on redefining this definition and it should include tools to accomplish it, keeping an end goal in mind. She added we may need to look at time frames on dollar amounts to discourage multiple permits as a loophole. Planner Green presented an index plan used by Clyde Hill for non-conforming structures based on fair market or assessed value of the structure. After some discussion, the Commissioners agreed Clyde Hill's plan would not work in the village as most structures here are assessed at a fraction of the lot because the value is in the dirt. Therefore, Clyde Hill's plan would work against preservation, even though their current index is above our current \$250K dividing line. Commissioners Scott and Donoghue reiterated their concern for open space, and for no dollar limits so the homeowner could do whatever was needed inside for upgrades, while preserving the exterior and not feeling like they were forced to tear down, so long as the non-conformity is not increased. Commissioner Casey agreed and inquired as to the current cost of building a 2400 square foot structure, and Commissioners Harpster and Donoghue replied construction costs in this area are currently running \$250-300 per square foot. Commissioner Casey reminded the other Commissioners in order to keep the end goal in mind, that all Commissioners must bring their goal(s) to share at the December meeting so we can come to a consensus on the goal(s) from which to determine the new definitions.

Next Meeting: Will be held on the November 20th, 2007 at 7:30pm at Commissioner Scott's home. It will serve as a public hearing for the proposed ordinance that Councilmember Clemett discussed tonight.

Adjourn: Commissioner Casey motioned to adjourn the meeting at 9:38pm. Commissioner Donoghue seconded. Vote: 5 For, 0 Against, 0 Abstain. Motion carried.

Respectfully submitted,

Angela Kulp, Deputy Town Clerk